



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Office of Petitions, Assistant Commissioner for Patents,
Washington, D.C. 20231 on December 23, 2002.

David Saliwanchik

David R. Saliwanchik, Patent Attorney

PETITION UNDER 37 CFR 1.137(b)
UNINTENTIONAL
Serial No. 09/266,346
Docket No. ARO-104 (32873-155)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner :

Art Unit :

Applicant(s) : Jack L. Aronowitz, Joel R. Mitchen, John Weiss and Irwin Weitman

Serial No. : 09/266,346

Filing Date : March 11, 1999

For : Noninvasive Transdermal Systems for Detecting an Analyte in a Biological Fluid and Methods

Office of Petitions

Box DAC

Assistant Commissioner for Patents

Washington, D.C. 20231

RECEIVED
DEC 31 2002

OFFICE OF PETITIONS

Sir:

Petitioners hereby petition the Commissioner to revive the patent application identified above to permit filing of a reply to the Notice to File Missing Parts (Notice) as though no abandonment of the above-identified application had ever occurred since the failure to timely respond to the Notice in this application was wholly unintentional.

The unintentional abandonment of this case occurred as a result of a non-signing inventor, the subject application being transferred to several different law firms during prosecution, and a bankruptcy proceeding, which resulted in the transfer of all rights in the above-referenced patent application to Mr. Jack Aronowitz.

The Notice to File Missing Parts, which was mailed on April 8, 1999, required the executed declaration of one of the inventors, Joel Mitchen. A petition under 37 C.F.R. §1.47 was filed by the

12/31/2002 AWONDAF1 00000092 09266346

01 FC:2051
02 FC:2453

65.00 CH
640.00 CH

former patent attorney prosecuting the subject application, which stated that Mr. Mitchen could not be located after numerous unsuccessful attempts to contact Mitchen.

Since then, a Notice of Abandonment was received in the subject application for failure to reply to the Notice. We are not aware of any decision on the Petition. Subsequent to the Notice of Abandonment, the subject application was involved in a bankruptcy proceeding, in which the Assignee and owner of the subject application, Technical Chemical Technologies, Inc. (TCPI) filed for Chapter 7 bankruptcy and the Trustees of TCPI took control of all of TCPI's assts, including the subject application. In the meantime, the former patent attorney who was prosecuting the subject application also changed his law firm several times, apparently transferring the subject application to a different law firm each time he moved.

As a result of the bankruptcy proceeding, Mr. Aronowitz has become the sole owner of the subject application. When the information regarding the abandonment of this case was communicated to Mr. Aronowitz (as the new owner of the technology), Mr. Aronowitz instructed the undersigned to proceed with revival of the subject application. The undersigned then prepared this Petition. Thus, the delay in filing a response to the latest action was wholly unintentional. Therefore, the undersigned hereby respectfully submits with this Petition, as required by 37 CFR 1.137 (b), a copy of the issued Notice of Abandonment Under 37 CFR 1.53 (f) OR (g), and a copy of executed Declaration of Joel R. Mitchen, whose signature was previously missing, as reply to the Notice to File Missing Parts, along with a copy of the Notice itself.

In view of the foregoing, Applicants hereby pray that the subject patent application be revived as having been unintentionally abandoned.

Please note that the applicant is a small entity. Attached herewith is an Assertion of Small Entity Status under 37 CFR 1.27. The fee, as required by 37 CFR 1.17(m), of \$640.00 and the surcharge of \$65.00 for the submission of a late Declaration should be charged to Deposit Account No. 19-0065, as well as any other fees under 37 CFR 1.16 or 1.17 which are necessitated by this Petition. Two copies of this Petition are enclosed for authorization of charges to the Deposit Account.

Favorable consideration of this Petition is respectfully requested.

Respectfully submitted,



David R. Saliwanchik
Patent Attorney
Registration No. 31,794
Phone No.: 904-375-8100
Address : 2421 N.W. 41st Street, Suite A-1
Gainesville, FL 32606

DRS/la

Attachments: Executed Declaration and Power of Attorney form
Notice of Abandonment under 37 CFR 1.53(f) or (g)
Notice to Filing Missing Parts of Application
Assertion of Small Entity Status under 37 CFR 1.27

ABANDONMENT/TERMINATION
LETTERUNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
--------------------	-------------	-----------------------	------------------------

09/266,346

03/11/1999

JACK L. ARONOWITZ

JENKENS & GILCHRIST
1445 ROSS AVENUE
SUITE 3200
DALLAS, TX 75202

RECEIVED

DEC 31 2002

OFFICE OF PETITIONS

Date Mailed: 08/04/2000

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/08/1999.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

12/31/2002 AWONDAF1 00000092 190065 09266346

01 FC:2051 65.00 CH
02 FC:2433 640.00 CH